

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARILYN MARGULIS,

Plaintiff,

v.

**DIAMOND RESORTS
INTERNATIONAL, INC.,
MICHAEL ALLEN FLASKEY, and
JOHN DOES 1-10,**

Defendants.

Case No. 4:21-CV-00391-NCC

ORDER OF DISMISSAL

This matter is before the Court on the combined joint stipulation of dismissal and notice of voluntary dismissal filed by Plaintiff (Doc. 19). In the filing, Plaintiff seeks dismissal of John Does 1-10 without prejudice and dismissal of the claims against Defendants Diamond Resorts International, Inc. and Michael Allen Flaskey with prejudice, with each party to bear its own attorneys' fees, costs and expenses. As the John Does 1-10 have not appeared or otherwise responded to Plaintiff's petition, they may be dismissed by notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Similarly, the claims against Defendants Diamond Resorts International, Inc may be dismissed with prejudice upon the stipulation of the parties pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). However, as counsel has not appeared for Defendant Michael Allen Flaskey and he has not signed the stipulation, the Court will construe Plaintiff's filing as a motion to dismiss this defendant and, in light of the parties' prior representations regarding settlement, will grant that motion. Accordingly,

IT IS HEREBY ORDERED that John Does 1-10 are **DISMISSED, without prejudice.**

IT IS FURTHER ORDERED that the claims against Defendant Diamond Resorts International, Inc. are **DISMISSED, with prejudice**, with each party to bear its own attorneys' fees, costs and expenses.

IT IS FURTHER ORDERED that Plaintiff's request to dismiss Defendant Michael Allen Flaskey is **GRANTED**; and Defendant Michael Allen Flaskey is **DISMISSED, with prejudice**.

Dated this 10th day of November, 2021.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE